



WESTERN DISTRICT OF VIRGINIA

CJA INFORMATION MANUAL

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WESTERN DISTRICT OF VIRGINIA CJA INFORMATION MANUAL

I. INTRODUCTION

The CJA Information Manual is written to provide information and guidance to CJA attorneys in requesting CJA services and the processing of CJA vouchers. The manual defines procedures in the Western District of Virginia uses to implement the Guidelines for the Administration of the Criminal Justice Act (*Guide to Judiciary Policies and Procedures, Volume VII*) established by the Judicial Conference of the United States. The manual should be read in conjunction with those guidelines.

The Guide to Judiciary Policies and Procedures, Volume VII, Appointment of Counsel in Criminal Cases, is available for review to all members of the CJA panel on the Western District of Virginia's website (<http://www.vawd.uscourts.gov>).

WESTERN DISTRICT OF VIRGINIA CJA INFORMATION MANUAL

II. VOUCHERS

A. ORIGINATION OF VOUCHERS

i. CJA 20

APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

- CJA attorneys are appointed by a judicial officer. The Clerk's Office will issue a CJA 20 voucher to the attorney with the signature of the presiding judge at the time of appointment.
- Interim payments will be allowed only upon motion by counsel and order of the District Court. The motion must clearly state the reasons that the interim payments are being requested. Interim payments will be considered under the following conditions:
 - * The anticipated duration of the case is more than 12 months.
 - *Sentencing is expected to occur more than three months after the trial concludes.
 - *Extenuating circumstances are anticipated to cause financial hardship for the attorney.Once an order for interim payments is entered, CJA20 vouchers are submitted as set forth in the order.

ii. CJA 21

AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES

- For requests for compensation up to \$300.00, prior approval is recommended. For requests for compensation between \$300.00 and \$1000.00, prior approval from the presiding judicial officer is required. If the request exceeds \$1000.00, prior approval is required from the presiding judicial officer and *approval of the final voucher* is required by the Fourth Circuit Court.
- The court appointed attorney will contact the Deputy Clerk when the need arises to obtain expert or other services using a CJA 21. In order for a voucher to be generated, the attorney must file a motion with the court requesting expert services and provide a copy to the Deputy Clerk. The Deputy Clerk will generate the voucher and send it to the attorney for completion of the relevant sections.

- Once the attorney has completed the applicable sections of the voucher and returned it to the Deputy Clerk, the Deputy Clerk will forward it to the presiding judicial officer for approval. Upon approval the clerk will return it to the court appointed attorney.
- Appointment of more than one investigator or same type of expert per defendant is authorized only with prior approval of the presiding judicial officer.

iii. CJA 24

AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT

- The court-appointed attorney will contact the Deputy Clerk to request a CJA 24. The Deputy Clerk will generate the CJA 24 with a routing slip. The attorney will sign the voucher in Block 15 and complete the transcript information required in Blocks 12, 13, and 14 before returning the voucher to the Court in accordance with the routing slip.
- Once the CJA 24 is returned to the Deputy Clerk, completion and processing of the voucher will follow the steps outlined in the section regarding CJA 24 procedures.

B. SUBMISSION AND REVIEW OF VOUCHERS

i. CJA 20

As set forth in the *Guide to Judiciary Policies and Procedures, Volume VII, Appointment of Counsel in Criminal Cases*, claims for compensation and expenses must be submitted within 45 days of the conclusion of the case at the District Court level. If the 45-day period has passed without submission of the voucher, the court-appointed attorney must explain the reason for the delay to the presiding judge and obtain approval before the voucher will be reviewed by the CJA Coordinator.

All vouchers should be submitted to the Clerk's Office, to the attention of the CJA Coordinator, for review of technical and mathematical conformity with these guidelines and the *Guidelines for the Administration of Criminal Justice Act, Guide to Judiciary Policies and Procedures, Volume VII, Appointment of Counsel in Criminal Cases, and 18 U.S.C. §3006A*.

TECHNICAL SCREENING

Upon submission to the CJA Coordinator, the voucher will be screened for technical accuracy, including attorney's signature, correct rates, and the attorney's or the firm's mailing address. The CJA Coordinator will also assure that the appropriate supporting documentation is attached,

including time sheets, receipts, and copies of all relevant motions and orders if necessary. If the voucher contains technical errors that cannot be easily corrected by the CJA Coordinator, the voucher will be returned to the attorney for correction. Please note that billing statements, and time sheets, should be typed **rather than hand written**. All time must be recorded in hours rounded to the nearest tenth.

MATHEMATICAL SCREENING

All vouchers will be thoroughly audited for mathematical accuracy and compliance with the guidelines set forth here and in the *Guide to Judiciary Policies and Procedures, Volume VII, Appointment of Counsel in Criminal Cases*. Obvious mathematical errors will be corrected by the CJA Coordinator. Otherwise, the voucher will be returned to the submitting attorney for correction of the errors.

LOCAL GUIDELINES APPLIED TO MATHEMATICAL SCREENING

- ★ Compensation will be billed at the allowable rates as set by Statute for in-court and out-of-court services. If a case continues during a period where compensation rates are changed, all work performed, after the rate change becomes effective will be billed at the new rate. This includes mileage rates.
- ★ Court-appointed attorneys may bill the District Court for all time spent on the case up to and including the date of sentencing.
- ★ All out-of-pocket expenses for which reimbursement is being requested must be supported by receipts, **regardless of amount**. The following standards have been instituted regarding the reimbursement of expenses for the Western District of Virginia:
 - Long distance phone bills must be supported by copies of the phone bill or an itemized list identifying each call, duration, time, date and cost. If copies of the phone bill are being used, the calls being claimed as an expense must be highlighted, circled or otherwise distinguished on the copy. All phone bills submitted are considered confidential material maintained by the Clerk's Office.
 - Expense of making copies at the attorney's office is considered "general office overhead" and is not reimbursable.
 - Credit card/meal reimbursements can only be made from an original vendor receipt. The credit card slip is not sufficient. The attorney may claim meals while in official travel status. Alcoholic beverages are not a reimbursable

expense.

- If an attorney is required to make a trip that requires an absence from their duty station (hometown) of more than 10 hours, reimbursement of meals may be approved with proper documentation and receipts. If the duration of the trip is less than 10 hours, the attorney will be reimbursed for mileage only. Meals will not be reimbursed in the attorney's hometown.
 - Mileage is only reimbursed when travel by the attorney is performed outside the division/city of appointment.
 - Chapter II, of the *Guide to Judiciary Policies and Procedures, Volume VII, Appointment of Counsel in Criminal Cases* clearly sets forth items considered overhead which are not allowed as a reimbursable expense. Examples include secretarial and courier services, normal postage, office supplies and basic telephone service. However, if the work is not part of the regular office overhead, but specific to that case, it may be allowable. It must be shown that the circumstances from which the need arose to incur those costs would have resulted in an additional charge to a fee-paying client, above that charged for overhead expenses.
- ★ Travel time for the attorney may be billed as an out-of-court expense at the appropriate rate. Mileage may be reimbursed at the current rate set by the Administrative Office for the U.S. Courts, however, the voucher must state the number of miles being claimed. All travel expenses must be itemized and supported by receipts from the vendor. Credit card receipts and statements are not sufficient. Although per diem rates are not authorized for attorney use, travel expenses may not exceed the prevailing per diem locality rate.

Airline travel requires prior approval from the Court. The National Travel Service should be used to schedule travel whenever possible and authorization to use this service can be requested from the presiding judge. The Order and Travel Authorization will be completed by the presiding judge. A copy of the form will then be sent to the Financial Administrator. The attorney is responsible for making travel arrangements once the authorization is issued. The travel authorization allows the attorney to charge the air travel directly to the Court's CJA Government travel account. **If the travel is canceled, the CJA attorney's office is responsible for notifying the National Travel Service immediately** to avoid billing to the government travel account. The cost of airline tickets will be paid directly by the court's Financial Administrator and reimbursement should not be claimed by the traveler.

As a general rule, the use of rental cars is not considered to be an authorized travel expense. Prior approval is required from the presiding judge before a rental car is procured.

- ★ Travel for witnesses and defendants is not reimbursable on a CJA 20. The U.S. Marshals Office pays for travel for witnesses and defendants.

NON-REIMBURSABLE ITEMS

- ★ Appointed counsel may not claim reimbursement for general office overhead, filing fees, printing of briefs, service of process fees, books, hotel movies, nor meals, clothes or items of a personal nature purchased for a defendant. Counsel cannot contract for legal research or appoint co-counsel without prior approval of the presiding judicial officer. Counsel also may not claim expenses incurred by defendants, witnesses, or traveling companions. Any expenses that surpass the maximum allowable rates for expert and other services, or fall outside the CJA guidelines, requires prior approval. Such approval should be obtained in writing with a copy attached to the appropriate CJA form at the time it is submitted for review. The request should state the nature of the expense, the estimated cost, and the reason the expense is necessary.
- ★ Section 2.28(A), *Guide to Judiciary Policies and Procedures, Volume VII, Appointment of Counsel in Criminal Cases* indicates that a fax is considered part of office overhead and therefore is not a reimbursable expense. Any reimbursement of fax expenses where extenuating circumstances exist must be requested on an individual basis at the time the CJA voucher is submitted. Explanation regarding these circumstances must be attached to the CJA 20 voucher, not filed as a separate motion.
- ★ Transcripts must be requested and paid using a CJA 24. See section E of this manual regarding these procedures. Transcript expenses claimed on a CJA Form 20 will not be reimbursed.
- ★ Expert services must be requested and paid using a CJA 21. Expert expenses claimed on a CJA 20 will not be reimbursed. This includes paralegal, or law student services.

INTERIM PAYMENTS

- ★ An order allowing interim payments must be entered before the first payment

can be issued. See the section of this manual regarding Origination of Vouchers for details.

REQUEST FOR EXCESS COMPENSATION

- ★ If the compensation portion of a CJA voucher exceeds the maximum allowable amount, the attorney must request allowance for excess compensation. A memorandum for compensation in excess of the guideline maximums must be submitted with the CJA voucher, or a motion requesting excess compensation can also be done.

In determining if an excess payment is warranted, the presiding judicial officer will make a threshold determination as to whether the case is extended or complex.

If the legal or factual issues in a case are unusual, thus requiring the expenditure of more time, skill and effort by the lawyer than would normally be required in an average case, the case is considered “complex”.

If more time is reasonably required for total processing than the average case, including pre-trial and post-trial hearings the case is considered “extended”.

After establishing that a case is either extended or complex, the presiding judicial officer will determine if excess payment is necessary to provide fair compensation. The following criteria, though not exclusive of others, may be used in this regard:

1. Responsibilities involved measured by the magnitude and importance of the case;
2. Manner in which duties were performed;
3. Knowledge, skill, efficiency, professionalism and judgement required of and used by counsel;
4. Nature of counsel’s practice and injury thereto;
5. Any extraordinary pressure of time or other factors under which services were rendered, and ;
6. Any other circumstances relevant and material to a determination of a fair and reasonable fee.

ii. CJA 21

The same procedures for submission and review listed for CJA 20 vouchers will be

applied to the CJA 21 “Authorization and Voucher for Expert and Other Services” with the following exceptions:

- ◆ In preparing a request or claim, the payee’s name, address, and social security number or federal I.D. number must be included in block 17 to insure proper payment.
- ◆ For requests between \$300 and \$1000, prior approval is required from the presiding judicial officer. Prior approval is obtained by completing the top half of the CJA 21 form with an estimate of costs.
- ◆ For requests exceeding \$1000, prior approval is required from the presiding judicial officer and final approval is required from the Fourth Circuit Court.
- ◆ On all vouchers submitted for payment, time sheets should be attached showing exact billable hours.
- ◆ On vouchers submitted for payment, an accurate description of claims must be itemized. Submission must be in work units specific to the type of work, for example, travel, phone calls, interviews, etc. Only fees specific to the expertise are reimbursable.
- ◆ All expenses must be supported by receipts, regardless of the amount being requested.
- ◆ Appointment of more than one investigator, paralegal or same type of expert per defendant is authorized only with prior approval of the presiding judge. In multi-defendant cases, court-appointed counsel are encouraged to share the services of experts whenever possible.

All CJA 21 vouchers being submitted should contain the following information:

1. The name of the expert and, if applicable, the firm.
2. The hourly rate being requested.
3. The type of services that will be performed.
4. The maximum amount to be charged.
5. All justification necessary to warrant the services being requested.

C. PROCESSING OF CJA VOUCHERS: A SUMMARY OF STEPS

- ◆ Upon completion of the case, the court -appointed attorney completes all

relevant sections and returns the voucher to the CJA Coordinator for technical and mathematical review.

- ◆ The CJA Coordinator will correct any discrepancies or return the voucher to the attorney for correction. Once this has been completed, the CJA Coordinator will submit the voucher to the presiding judicial officer for review and approval.
- ◆ Vouchers submitted for judicial review will contain, and be evaluated with respect to, in-court/out-of-court time, appropriateness of expenditure claims, letters supporting expenditures. The CJA Coordinator will flag any questionable expenditures to assist the judge in the review of expenses claimed.
- ◆ If the voucher exceeds the statutory maximums set forth in the Guide, review by the Circuit is required. The judge will send the voucher, with an attached letter to the Chief Judge of the Circuit or designated delegate. Upon approval by the Circuit the district judge will send the voucher back to the CJA Coordinator for entry into computer system.
- ◆ Vouchers that do not require Circuit review will be returned to the CJA Coordinator for computer entry.
- ◆ Once computer entry is complete, it is given to the Financial Department, and the Administrative Office in Washington D.C. issues the check.

D. PAYMENT OF CJA FORMS 20 AND 21

- ◆ Once the voucher has been reviewed for technical and mathematical accuracy by the CJA Coordinator, it will be submitted to the presiding judicial official for final review and certification. If the voucher requires approval for excess compensation from the Circuit, it will be noted by the CJA Coordinator in the cover letter sent to the judge.
- ◆ Following certification at the District Court level, all vouchers requiring approval for excess compensation will be forwarded to the Chief Judge of the Court of Appeals along with the summary letter from the District Judge.
- ◆ When the voucher has been returned with the Circuit approval, data entry will be performed by the CJA Coordinator, and verification and certification for approval will be performed by authorized members of the Clerk's office staff.

- ◆ All payments are disbursed from the Administrative Office in Washington, D.C.

E. CJA 24 Procedures

Submission and tracking procedures outlined above will also be applied to CJA Form 24 “Authorization and Voucher for Payment of Transcript”. In addition, the following steps will apply:

- ◆ The court appointed attorney will contact the Docket Clerk assigned the case to request a CJA 24. The attorney will sign the voucher in block 15 and complete the transcript information required in blocks 12, 13, and 14 before returning the voucher to the Docket Clerk.
- ◆ Following the routing procedures on the attached routing slip, the Docket Clerk will obtain the presiding judge’s approval in block 16 and forward the voucher to the Court Reporter Coordinator who will assign the CJA 24 to the appropriate Court Reporter for transcription. Upon completion of the transcripts, the Court Reporter will return the voucher to the Court Reporter Coordinator. The Court Reporter Coordinator must complete the financial sections of the voucher in detail.
- ◆ The Court Reporter Coordinator will review the voucher for mathematical correctness and confirm the filing of the transcripts with the Clerk’s Office. When the transcripts have been filed, the Court Reporter Coordinator may sign block #22. In the case of Grand Jury proceedings, where the transcript is not filed with the Clerk’s Office, the Court Reporter Coordinator will forward the voucher to the attorney to sign in block 22. The attorney will return the voucher to the Court Reporter Coordinator.
- ◆ After the voucher has been completed and reviewed by the Court Reporter Coordinator it is forwarded to the presiding judge for signature in block 23 and completion of block 24.
- ◆ CJA 24 payments are disbursed by the Administrative Office of Washington, D.C.
- ◆ In multi-defendant cases involving several court appointed attorneys, no more than one transcript may be purchased from the Court Reporter on behalf of the court appointed attorneys. The Court Reporter Coordinator will arrange for the

duplication of the transcripts for each of the court appointed attorneys from the original transcript filed with the Clerk's Office once the initial request for production of the transcripts has been completed.

- ◆ Transcripts of Grand Jury proceedings are considered to be under seal and as such are not filed with the Clerk's Office. Since duplication of these transcripts may compromise the security of these documents, the Court will authorize payment for Grand Jury transcripts for each court appointed attorney involved in the case.
- ◆ In the event that the Court Reporter Coordinator was not made aware of a transcript ordered directly by the attorney, the attorney may be responsible for any unauthorized transcript expenses incurred. Transcript expenses listed as an expense on the CJA 20 voucher cannot be reimbursed.
- ◆ In individual cases involving requests for expedited transcripts, the Court may grant an exception to the policy set forth above based upon a finding that application of the policy will unreasonably impede the delivery of expedited transcripts to persons proceeding under the CJA. Approval of these requests should be reflected on the CJA 24 voucher in section 14 prior to any transcription work taking place.
- ◆ Real-time transcripts will be paid for using a CJA 24. Such production will comply with the guidelines set forth in the *Report of the Proceedings of the Judicial Conference of the United States*, March 12, 1996. The maximum rate that may be charged for real-time transcripts may be billed at a rate equal to the copy rate for daily transcripts. If court appointed counsel has ordered a real-time transcript and subsequently orders a certified transcript of the same proceeding, a credit will be issued towards the purchase of the certified transcript that is equal to the purchase price of the unedited real-time transcript.

F. CONFIDENTIALITY OF VOUCHERS

The Guide to Judiciary Policies and Procedures, Volume VII, Appointment of Counsel in Criminal Cases, and 18 U.S.C. §3006A set forth that amounts paid under the Criminal Justice Act are a matter of public record. In order to maintain the confidentiality of the material submitted by counsel, the original voucher, and all supporting documentation attached to it is placed in the Clerk's Office CJA file and is considered under seal and not for public review. An order from the court is necessary to review the supporting documentation on any CJA voucher that has been paid and closed.

III. HOURLY RATES/MAXIMUM ALLOWABLE AMOUNTS

CJA 20:

Effective Rates:

May 1, 2002	\$90 in- court \$90 out- of-court
April 1, 2001	\$75 in-court \$55 out-of-court
January 1, 2000	\$70 in-court \$50 out-of-court
1997	\$65 in-court \$45 out-of- court

Maximum allowable compensation, without Circuit approval:

Felony:	\$5200
Misdemeanor:	\$1500
Other:	\$1200

CJA 21:

Maximum allowable compensation without Circuit approval is \$1000.

It is recognized that there is a vast difference in qualifications, experience, and education of experts. Court appointed counsel is encouraged to secure the lowest rate of the individuals in recognition of the fact that these are indigent cases. The attorney is also encouraged to negotiate the hourly travel rate of experts at a lesser rate and apart from the hourly rate paid for their expertise.

MILEAGE RATES:

January 1, 2004	.375 per mile
January 1, 2003	.36
January 21, 2002	.365
January 22, 2001	.345
January 14, 2000	.325
April 1, 1999	.31
September 8, 1998	.325

INSTRUCTIONS FOR CJA FORM 20
APPOINTMENT AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

1. Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 12 and 14 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide dates for and a description of the expenses incurred. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's office.

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in subsection(e) of the Criminal Justice Act (CJA), 18 U.S.C. §3006A. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding expenses, will exceed \$300. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$300, unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on a CJA Form 21, "Authorization and Voucher for Expert and Other Services."

Vouchers shall be submitted no later than 45 days after the final disposition of the case, unless good cause is shown (Paragraph 2.21A, *cja guidelines*). All payments made pursuant to this claim are subject to post-audit; contemporaneous time and attendance records as well as expense records must be maintained for three years after approval of the final voucher (paragraph 2.32, *cja guidelines*). Any overpayments are subject to collection, including deduction of amounts due from future vouchers

- Item 1.** **CIR./DIST./DIV. CODE:** This four-character location code is the circuit or district, and divisional office codes of the court where the proceedings for the person represented are held.
- Item 2.** **PERSON REPRESENTED:** Give the full name of the person whom you were appointed to represent.
- Items 3-6.** **DOCKET NUMBERS:** Provide the case file or miscellaneous number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number

(DDD) as shown on the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which representation is provided (i.e., for each docket number listed). Prorate the total time among the cases. On supporting documentation, cross reference all related claims for which costs are prorated.

- Item 7.** **IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment or information (e.g., *U. S. vs. Lead Defendant's Name, et al*). If the person represented is not a defendant (e.g., material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a civil or criminal case (i.e., miscellaneous matters), enter "*In the Matter of*" followed by the *Name of the Person Represented*.
- Item 8.** **PAYMENT CATEGORY:** Check the appropriate box that establishes the statutory threshold for representation in this case type. If "Other" payment category is checked, specify the category within the scope of the CJA. See paragraph 2.22 B(2) of the *CJA Guidelines*.
- Item 9.** **TYPE PERSON REPRESENTED:** Check the box that defines the legal status of the person represented.
- Item 10.** **REPRESENTATION TYPE:** From the list below, select the code that describes the type of representation:
- CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the United States Code, or an assimilated crime under a state code including ancillary matters.
 - NT A new trial either directed from the court of appeals on remand or as a result of a mistrial
 - MA Motion attacking a sentence (28 U.S.C. § 2255)
 - MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)
 - HC Habeas corpus, non-capital (28 U.S.C. § 2254)
 - BP Bail Presentment

WI Material Witness (in custody)
 WW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)
 PR Probation Revocation
 PA Parole Revocation
 SR Supervised Release Hearing
 EW Extraordinary Writs (Prohibition, Mandamus)
 CH Mental Competency Hearings (see Chapter 313 of Title 18 U.S. Code)
 PT Pretrial Diversion
 EX Extradition Cases (Foreign)
 OT Other types (e.g., line ups, consultations, prisoner transfer, etc.)
 TD Appeal of a Trial Disposition
 CA Other Types of Appeals
 AP Appeal From Magistrate's Decision
 CF Civil Asset Forfeiture
 AF Appeal of Civil Asset Forfeiture

**FOR DEATH PENALTY CASES, USE THE CJA FORM 30 AND
 APPLICABLE TYPE OF REPRESENTATION CODES**

Item 11. OFFENSE(S) CHARGED: Cite the U.S. Code, with title and section, or other code citation of the offense or offenses (list up to five) with which the person represented is charged. If other than a federal code is cited, state the statutory maximum period of confinement authorized for the offense. If a civil matter, such as a habeas corpus representation or a motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively. For direct appeals from a case disposition, cite the major offense (U.S. Code, title and section) for which the defendant was convicted.

Items 12/14 ATTORNEY'S NAME AND MAILING ADDRESS and NAME AND MAILING ADDRESS OF LAW FIRM: Complete Item 12 with the legal name and address of the attorney appointed to represent the person whose name is shown in Item 2. If prior to your appointment for representation, you had a pre-existing agreement with a law firm or corporation, including a professional corporation, indicating that CJA earnings belong to the law firm or corporation, rather than to the court-appointed attorney/payee, provide the name and mailing address of that law firm or corporation in Item 14. This information will allow earnings to be reported to the Internal Revenue Service (IRS) on a 1099 Statement as earnings of the law firm or corporation and not as the earnings of the attorney appointed. (*Note: Information about a pre-existing agreement, including the Taxpayer Identification Number*

(TIN) of the law firm or corporation, should be provided to the court staff when the attorney is admitted to the panel or at initial appointment to a case.)

Item 13. COURT ORDER: Check the box that describes the type of counsel appointed. If appointed as a substitute counsel, give the name of the previous counsel and the appointment date. If appointed as a "Standby Counsel," check "Other" and attach a court order establishing this type of appointment in accordance with paragraph 2.17 of the *CJA Guidelines*. Also check "Other" if counsel is appointed pursuant to 28 U.S.C. § 1875(d)(1) to protect a juror's employment rights, and attach the court order appointing counsel for this purpose. The remaining portion of this item will be completed by the clerk of court or other court-designated person. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. If services were provided prior to court appointment, the presiding judicial officer may wish to ratify the previous service by indicating a "nunc pro tunc" date that covers the services prior to appointment. No other court order is necessary. Indicate whether the court orders full or partial repayment of the cost for representation from the person represented at the time of appointment by checking "Yes" or "No."

Item 15. IN-COURT SERVICES: Enter the total number of hours claimed (in hours and tenths of an hour) for each applicable in-court service category. To support the totals entered in each category, attach to the voucher an itemization of services, by date, and indicate the number of hours for each service. Enter the total in-court hours where required on the form, and multiply the total number of in-court hours claimed by the hourly rate in effect for the place of holding court in which the representation is provided or the attorney maintains his or her principal office. If the case is an appeal to the court of appeals, enter the higher of the rates per hour in effect for the place of holding court in which the attorney maintains his or her principal office or the place of holding court out of which the case arose. Enter the total amount claimed in the appropriate box on the form.

Item 16. OUT-OF-COURT SERVICES: Complete according to the instructions above for in-court time, using the applicable out-of-court hourly rate of compensation.

NOTE: The "FOR COURT USE ONLY" column will reflect any mathematical or technical adjustments to the claim during the judicial approval process or changes during a required additional review of the chief judge of the

court of appeals (or delegate).

Item 17. TRAVEL EXPENSES: Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations.

Item 18. OTHER EXPENSES: Itemize all reimbursable out-of-pocket expenses incidental to representation. Provide dates and a brief description of the expense. Enter the total claimed where required on the form. Submit supporting documentation (receipts, canceled checks, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to law students or law clerks for legal research and assistance and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraphs 2.31 and 3.15 of the *CJA Guidelines* for an explanation. The following are not reimbursable expenses, and should not be claimed:

1. General office overhead, such as rent, telephone services, and secretarial services.
2. Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.
4. Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17, and 28 U.S.C. § 1825. Contact the United States Marshal for payment procedures. See paragraph 3.13 of the *CJA Guidelines* for guidance on payment of witness fees generally.

5. Filing fees. These fees are waived for persons proceeding under the CJA.

6. The cost of allowable investigative, expert, or other services. (See Chapter III of the *CJA Guidelines*). Such services should be requested using a CJA Form 21.

7. Compensation taxes. Taxes paid on attorney compensation, whether based on income, sales or gross receipts are not reimbursable expenses.

Totals. Enter the Grand Totals where required by adding "in-court" and "out-of-court" totals, "travel" and "other expenses."

Item 19. CERTIFICATION OF ATTORNEY/PAYEE FOR PERIOD OF SERVICE:
The person appointed by the court must certify dates of service for the representation. Indicate, where required, the date range for the services claimed on the voucher.

Item 20. APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION: If the appointment is discontinued by order of the court (i.e., substitute counsel or reasons other than disposition of the defendant's case, such as fugitive defendant, appointment of federal defender, or retention of counsel by a defendant), give the effective date for termination of appointment.

CASE DISPOSITION: Indicate case disposition for the person represented (e.g., dismissed, convicted/final plea guilty, probation revoked, other, etc.). Select a code from the table below.

CODE	TYPE OF DISPOSITION
00	REMAND
01	DISMISSED
02	ACQUITTED BY COURT
03	ACQUITTED BY JURY

04	CONVICTED/FINAL PLEA OF GUILTY
05	CONVICTED/FINAL PLEA OF NOLO CONTENDRE
08	CONVICTED/COURT TRIAL
09	CONVICTED/JURY TRIAL
AA	APPEAL AFFIRMED
AR	AFFIRMED/REVERSED IN PART
CC	MISTRIAL
DE	DENIED
EE	NOT GUILTY/INSANE/COURT TRIAL
EF	GUILTY/INSANE/COURT TRIAL
GG	NOT GUILTY/INSANE JURY TRIAL
GR	GRANTED
HH	GUILTY/INSANE/JURY TRIAL
RA	REVERSED IN PART/AFFIRMED IN PART
RR	APPEAL REVERSED
RS	RESTORED
RV	REVOKED
XX	OTHER (PTD AND OTHER REPS.)

Item 22. **CLAIM STATUS:** Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the interim payment number. Complete the remaining portion of Item 22, and sign and date the affirmation statement before submitting the claim for court approval.

Items 23-28a. **APPROVED FOR PAYMENT:** The presiding judicial officer will indicate the

amount approved for payment in each category (Items 23 - 26). These amounts will reflect any mathematical and technical adjustments to your claim. The **"TOTAL AMOUNT APPROVED/CERTIFIED"** for payment equals the amount approved in the major categories, less any amounts withheld for an interim payment.

SIGNATURE OF THE PRESIDING JUDICIAL OFFICER: If the total amount approved for payment (both in-court and out-of-court), not including expenses, is less than or equal to the statutory limitation, the claim will be processed for payment. The presiding judicial officer will sign and date the voucher indicating approval of the amount to be paid in Item 27. If compensation exceeds the statutory threshold for the representation, submit a detailed memorandum, supporting and justifying that the representation was provided in a complex or extended case and that the claim for the excess amount is necessary to provide fair compensation. Upon preliminary approval of the claim, the presiding judicial officer will (1) signify approval by circling the word "cert" (for word certified) in Item 27 and (2) forward the voucher to the chief judge of the court of appeals (or delegate) for approval of the excess amount. The **JUDGE CODE** will be provided by the court staff.

Item 29-33. **APPROVED FOR PAYMENT:** For payments in excess of the statutory limitation, the chief judge for the court of appeals (or delegate) will indicate the amount approved for payment in Items 29 - 32. This amount will reflect any adjustments in your claim resulting from additional technical or mathematical review by the chief judge (or delegate). The chief judge of the court of appeals (or delegate) will indicate the **TOTAL AMOUNT APPROVED** for payment of the claim, less any amounts withheld for an interim payment in Item 33.

Item 34. **SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE):** Before the claim is paid for the excess amount, the chief judge of the appeals court (or delegate) must sign and date Item 34, approving payment for compensation that exceeds the statutory threshold. If approval is not granted, compensation will be limited to the statutory maximum for the representation and expenses as approved. The **JUDGE CODE** will be provided by the court staff.

INSTRUCTIONS FOR CJA 21
AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES

1. Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. Use a typewriter if possible to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 10 and 14 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide the dates for, and a description of expenses incurred. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's Office.

All payments made pursuant to this claim are subject to post-audit. any overpayments are subject to collection, including deduction of amounts due from future vouchers.

Refer to 18 U.S.C. § 3006A(e)(1) and the *CJA Guidelines* on making *Ex Parte* applications for services other than counsel.

NOTE: Prior authorization from the presiding judicial officer should be obtained for all investigative, expert, or other services where the cost (excluding reimbursement for reasonable expenses) will exceed \$300. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$300, unless the presiding judicial officer, finds that, in the interest of justice, timely procurement of necessary services could not await prior authorization.

Compensation may not exceed \$1,000, excluding reasonable expenses, unless the excess amount is certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount exceeding the statutory limit is approved by the chief judge of the court of appeals (or active appeals court judge to whom the chief judge has delegated excess compensation authority).

If prior authorization is obtained for investigative, expert or other services and later it is determined that the cost of the service will exceed the initial estimate by a significant amount, you should seek, from the presiding judicial officer, further prior authorization for the additional amount.

Item 1. CIR./DIST./DIV. CODE: This four-character location code is the circuit or district and divisional office codes of the court where the proceedings for the person represented are held.

Item 2. PERSON REPRESENTED: Give the full name of the person whom you were appointed to represent.

Items 3-6. DOCKET NUMBERS: Provide the case number or miscellaneous number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD), as shown on the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which services are provided (i.e., docket number listed). Prorate the total time among the cases. On the supporting documentation, cross reference all related claims for which costs are prorated.

Item 7. IN CASE/MATTER OF (CASE NAME): In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment or information (e.g., *U. S. vs. Lead Defendant's Name, et al*). If the person represented is not a defendant (e.g., material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a criminal or civil case (i.e., miscellaneous matters), enter "*In the matter of*" followed by the "*Name of the Person Represented*."

Item 8. PAYMENT CATEGORY: Check the appropriate box that identifies the offense class for the representation in which the expert or other services are requested. If "Other" payment category is checked, specify the category within the scope of the CJA.

Item 9. TYPE PERSON REPRESENTED: Check the box that defines the legal status of the person represented.

Item 10. REPRESENTATION TYPE: From the list below, select the code that describes the type of representation:

CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the U.S. Code, or an assimilated crime under a state code.
NT A new trial either directed from the court of appeals on remand or as a

result of a mistrial
 MA Motion attacking a sentence (28 U.S.C. § 2255)
 MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)
 HC Habeas Corpus, non-capital (28 U.S.C. § 2254)
 BP Bail Presentment
 WI Material Witness (in custody)
 WW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)
 PR Probation Revocation
 PA Parole Revocation
 SR Supervised Release Hearing
 EW Extraordinary Writs (Prohibition, Mandamus)
 CH Mental Competency Hearings (See Chapter 313 of Title 18 U.S.Code)
 PT Pretrial Diversion
 EX Extradition Cases (Foreign)
 OT Other types (e.g., line ups, consultations, prisoner transfer, etc.)
 TD Appeal of a trial disposition
 CA Other Types of Appeals
 AP Appeal From a Magistrate Case to District Court

FOR DEATH PENALTY CASES, USE THE CJA FORM 31 AND THE APPLICABLE TYPE OF REPRESENTATION CODE.

Item 11. OFFENSE(S) CHARGED: Cite the U. S. Code, title and section, or other code citation of the offense or offenses (list up to five) with which the person represented is charged. If other than a federal code is cited, state the maximum period of confinement authorized for the offense. If a civil matter, such as a habeas corpus representation or a motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively. For direct appeals from a trial disposition, cite the major offense (U.S. Code, title and section) at case disposition.

Item 12. ATTORNEY'S STATEMENT, NAME AND MAILING ADDRESS: Check the appropriate box to indicate whether the request is for authorization to obtain services, or approval of services already provided. (Note that prior authorization is required for compensation of all services in excess of \$300.) Indicate the estimated cost of the services requested. Note the basis for compensation (e.g., hourly rates, daily rates, fixed fee, etc.). This statement must be signed and dated by counsel for the person represented (or by the person proceeding *pro se*). Check the appropriate box to designate attorney status as a panel attorney, retained attorney, attorney for a legal organization (bar association, legal aid agency, or community defender

organization not receiving a periodic sustaining grant under the CJA), or as a person who qualifies for representation under the CJA but has chosen to proceed *pro se*.

Give the complete legal name of the attorney appointed to represent the person whose name is shown in Item 2. Provide the mailing address and telephone number of the attorney.

Item 13. DESCRIPTION OF AND JUSTIFICATION FOR SERVICES: Briefly, describe the nature of the services requested and the reason services are necessary to provide adequate representation.

Procedures for Requesting Psychiatric and Psychological Services.

If this is a request for an examination by a psychiatrist or psychologist, state specifically the purpose of the examination. If the examination is ordered pursuant to a statute, cite the statute (U.S. Code, title and section).

The payment procedures for psychiatric and psychological examinations are outlined below. For further information, refer to paragraph 3.11 of the *CJA Guidelines*.

1. If this is a court-ordered examination to determine, exclusively, the mental condition as set forth in 18 U.S.C. §§ 4241-4246, DO NOT USE THIS FORM, regardless of who requested the examination. Examinations conducted pursuant to these statutes are considered "non-defense" purpose examinations. The costs are paid by the Department of Justice, and claims for these examinations should be submitted to the U.S. Attorney.

2. If this is an examination exclusively for a "defense" purpose (where the person represented selects the expert and controls disclosure of the report), USE THIS FORM. The court order executed in Item 15 is sufficient for this purpose.

3. If this is a dual purpose examination for a "non-defense" and a "defense" purpose, USE THIS FORM. For the convenience of the expert, the Administrative Office will pay the expert the total amount approved and obtain reimbursement from the Department of Justice for one-half of the total amount approved. In order for the Administrative Office to obtain this reimbursement, a separate court order authorizing the examination must be attached to the voucher when it is submitted for payment. This order should indicate (1) who requested the examination, (2) the specific purpose(s) of the examination, (3) to whom the report of the examination is directed, and (4) to whom copies of the report are to be given. This separate order is in addition to the court order at Item 15, which

also must be signed and dated by the presiding judicial officer.

4. If this is a dual purpose examination for two "non-defense" purposes (e.g., evaluation of competency to stand trial under 18 U.S.C. § 4241 and evaluation of sanity at the time of the offense under 18 U.S.C. § 4242), **DO NOT USE THIS FORM**. Submit the entire claim to the U. S. Attorney for payment. **Item 14.**

TYPE OF SERVICE PROVIDER: Check the box which identifies the type of service provider requested. If you check the box "Other," be sure to specify the type of service or service provider. If computer assisted legal research (CALR) is checked, refer to paragraph 3.15 of the *CJA Guidelines* for an explanation of the criteria and procedures for approval of CALR as a necessary service under the CJA.

Item 15. COURT ORDER: This court order must be signed and dated by the presiding judicial officer. An additional court order is not necessary except for certain psychiatric and psychological examinations as explained in the instructions for Item 13, or to authorize payment for services exceeding \$300 when prior authorization was not obtained (see Item 23). Indicate whether full or partial repayment of the cost for these services was ordered by the court from the person represented by checking "Yes" or "No."

Item 16. CLAIM FOR SERVICES AND EXPENSES:

COMPENSATION (16a): Enter the total amount claimed for professional services rendered. On an attachment to the voucher, describe in detail the services provided, including dates of service and the amount of time spent (in hours and tenths of hours). State the basis for the fee claimed (e.g., hourly rate, daily rate, fixed fee).

TRAVEL EXPENSES (16b): Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Service providers are limited to the travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and

federal government travel regulations.

OTHER EXPENSES (Item 16c): Itemize all reimbursable out-of-pocket expenses incidental to the services provided. Provide dates and a brief description of the expense. Submit supporting documentation (receipts, canceled checks, paid invoice, etc.) for single item expenses of \$50 or more. Do not include general office overhead (e.g., rent, telephone services, secretarial services) as reimbursable expenses.

The columns provided "**FOR COURT USE ONLY**" will reflect any mathematical or technical adjustments to the claim during judicial approval or required additional review of the chief judge of the court of appeals (or delegate).

Item 17. PAYEE'S NAME AND MAILING ADDRESS, TAXPAYER IDENTIFICATION NUMBER (TIN), CLAIMANT'S CERTIFICATION AND CLAIM STATUS: Provide the complete name and address of the payee (claimant). The claimant must certify dates covered in the claim for payment by indicating the date range for services rendered. Check the box to indicate the status of the claim as: (1) final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a the final payment). If this is an interim payment, indicate the interim payment number. The claimant or payee must sign and date the payment certification statement prior to submitting the claim to the attorney for certification that services were rendered and received. Provide the Taxpayer Identification Number (TIN) to report these earnings to the IRS.

Item 18. CERTIFICATION OF ATTORNEY: This section must be completed by the attorney appointed to provide representation, a retained attorney whose client is unable to afford the cost of service requested, or by a person proceeding *pro se* under the CJA.

Items 19-22. APPROVED FOR PAYMENT: The court will review, for reasonableness and compliance with the *CJA Guidelines*, every claim for compensation of services rendered and any claim for reimbursement of expenses incurred. The presiding judicial officer will indicate the amount approved for payment in each of the payment categories (Items 19-21). These amounts will reflect any mathematical or technical adjustments made to the claim.

The "**TOTAL AMOUNT APPROVED/CERTIFIED**" (Item 22) is the

amount approved for payment of the claim, less any amounts to be withheld in accordance with an interim payment order. Upon preliminary approval of a claim for more than the \$1,000 statutory threshold, not including expenses, the presiding judicial officer will (1) signify approval by circling the word "cert" (for word certified) and indicate the amount approved in Item 22, and (2) forward the claim to the chief judge of the court of appeals (or delegate) for additional review and approval of the excess amount.

Item 23. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER: The presiding judicial officer must check the appropriate box to indicate (1) either the cost, excluding expenses, does not exceed \$300, or prior authorization was obtained, or (2) approval of cost, excluding expenses, exceeding \$300 when prior authorization was not obtained but in the interest of justice the court finds that timely procurement of these services could not await prior authorization. The presiding judicial officer must sign and date Item 23, indicating approval/certification of the amount indicated in Item 22. The court will provide the judge code.

If the amount approved for compensation, excluding expenses, is less than or equal to the \$1,000 statutory limitation, the claim will be forwarded for payment processing.

Items 24-27. APPROVED FOR PAYMENT: If the chief judge (or delegate) approves the excess compensation, the judge will indicate the amounts approved in each of the payment categories, Items 24-26, and the total amount approved for payment in Item 27.

Item 28. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE): Before a claim is paid for the excess amount certified, the chief judge of the appeals court (or delegate) must sign and date Item 28, approving payment for compensation that exceeds the statutory threshold. If approval is not granted, compensation will be limited to the statutory maximum for the representation and expenses approved. The **JUDGE CODE** will be provided by court staff.

INSTRUCTIONS
AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT
CJA FORM 24

1. Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ballpoint pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 11 will be preprinted on the form. If additional space is needed to complete an item, attach a continuation sheet to the form.

Item 1. **CIR./DIST./DIV. CODE:** This four-character court location code is the circuit or district, and divisional office codes of the court where authorization is given to procure the transcript.

Item 2. **PERSON REPRESENTED:** Give the full name of the person whom representation is being provided (i.e., the person whom transcript services are requested). Only one name should be entered in Item 2 "Person Represented."

Items 3-6. **DOCKET NUMBERS:** Provide the case file number or the miscellaneous number of the case for which representation is provided. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD) if applicable. Thus, the docket number format is YY-NNNNNN-DDD. Complete a separate voucher for each transcript requested. Prorate the total transcript cost among the cases when costs are shared or apportioned. Cross reference all related claims for which costs are prorated or apportioned.

Item 7. **IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the information or indictment (e.g., *U.S. vs. Lead Defendant's Name, et al.*) If the person represented is not a defendant (e.g. material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title. If other than a criminal or civil case (i.e., miscellaneous matters), enter "*In the Matter of*" followed by *the Name of the Person Represented*.

Item 8. **PAYMENT CATEGORY:** Check the appropriate box that defines the statutory threshold for this representation type. If "Other" payment category is checked, specify the category within the scope of the Criminal Justice Act (CJA). See paragraph 2.22 B(2), of the *Guidelines for the Administration of the CJA and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*.

Item 9. **TYPE PERSON REPRESENTED:** Check the box that categorizes the legal status of the person represented.

Item 10. **REPRESENTATION TYPE:** From the list below, select the code that describes the type of representation:

CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the U.S. Code, or an assimilated crime under a state code.
NT A new trial either directed from the court of appeals on remand or as a result of a mistrial
MA Motion attacking a sentence (28 U.S.C. § 2255)
MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)
HC Habeas Corpus, non-capital (28 U.S.C. § 2254)
BP Bail Presentment
WI Material Witness
WW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)
PR Probation Revocation
PA Parole Revocation
SR Supervised Release Hearing
EW Extraordinary Writs (Prohibition, Mandamus)
CH Mental Competency Hearings (see Chapter 313 of Title 18 U.S. Code)
PT Pretrial Diversion
EX Extradition Cases (Foreign)
OT Other Types (e.g., line ups, consultations, prisoner transfer, etc.)
TD Appeal of Trial Disposition
CA Other Types of Appeals
AP Appeal From Magistrate's Decision

Item 11. **OFFENSE(S) CHARGED:** Cite the U.S. Code, title and section, of the offense or offenses for which the person represented is charged. If a death penalty case,

cite the charge for which the death penalty is being sought. If a civil matter, such as a capital habeas representation or motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively.

Item 12. PROCEEDINGS IN WHICH TRANSCRIPT IS TO BE USED: Describe briefly the nature of the proceeding or other purpose for which the transcript is required (e.g., motion hearing, trial preparation, trial, appeal).

Item 13. PROCEEDINGS TO BE TRANSCRIBED: Describe specifically the type of proceedings to be transcribed (e.g., preliminary hearing, arraignment, plea, sentencing, trial, motions, parole or probation proceedings, state court proceedings, deposition). For restrictions on trial transcripts, see Item 14.

Item 14. SPECIAL AUTHORIZATIONS (services other than ordinary transcript): The following services are permitted only if the judicial officer gives special authorization (initialed by the judicial officer where required on the form):

A. Apportionment of Transcript Cost. The Judicial Conference has stated that the total cost of accelerated transcript services should not be routinely apportioned among parties.

B. Types of Transcripts:

note: All but ordinary transcript services, to be delivered within 30 days after receipt of an order, require special prior judicial authorization.

(1) **Expedited** -- to be delivered within 7 calendar days after receipt of an order.

(2) **Daily** -- to be delivered following adjournment and prior to the normal opening hour of the court on the following morning, whether or not it is an actual court day.

(3) **Hourly** -- ordered under unusual circumstances to be delivered within 2 hours.

(4) **Realtime Unedited Transcript** -- to be delivered electronically during the proceedings or immediately following adjournment.

C. Trial Transcripts -- In the absence of special prior authorization, trial transcripts shall exclude the prosecution opening statement, the defense opening statement, the prosecution argument, the defense argument, the prosecution rebuttal, the voir dire and jury instructions.

D. Multi-defendant Cases -- According to Judicial Conference policy, no more than one transcript should be purchased from the court reporter on behalf of CJA defendants in multi-defendant cases. Arrangements should be made for duplication of enough transcript copies, at commercially competitive rates, for each CJA defendant for whom a transcript has been approved. The cost will be paid from CJA funds. This policy does not preclude the court reporter from providing copies at the commercially competitive rate. In addition, the court may grant an exception to this policy based upon a finding that application of the policy will unreasonably impede the delivery of accelerated transcripts to persons proceeding under the CJA. See paragraph 3.12C of the *CJA Guidelines*.

- Item 15.** **ATTORNEY'S STATEMENT:** The court-appointed counsel or the person proceeding *pro se* under the CJA must sign and date the affirmation statement, and print or type the signatory's name. Check the appropriate box to designate your status as a CJA panel attorney, a retained attorney whose client is unable to afford the cost of the transcript service, a person who qualifies for representation under the CJA but who has chosen to proceed *pro se*, or an attorney from a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the CJA).
- Item 16.** **COURT ORDER:** This order must be signed and dated by the presiding judicial officer, indicating eligibility under the CJA. An additional court order is not necessary to authorize procurement and payment for this service.
- Item 17.** **COURT REPORTER/TRANSCRIBER STATUS:** Check the appropriate box that indicates the reporter's status. Generally, this information will be provided by the court, the reporter, or the clerk.
- Item 18.** **PAYEE'S NAME, MAILING ADDRESS AND TELEPHONE NUMBER:**

Print or type the full name and mailing address of the payee. Provide the payee's telephone number, including the area code.

Item 19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE: Provide your Social Security Number (SSN) or your Employer Identification Number (EIN) that you use to report earnings to the Internal Revenue Service (IRS).

Item 20. TRANSCRIPT COSTS: Cost per page for transcripts prepared by official court reporters, contract court reporters, and transcribers of taped proceedings may not exceed the rates in effect at the time the authorization. Generally, persons proceeding under the CJA may receive only the original or a copy of the transcript. Two lines for transcript costs have been provided on the form to reflect that the page rate will vary depending upon whether the party received the original or a copy, and that certain portions may be provided at a higher rate for accelerated service. (If more lines are needed to reflect these factors, attach an additional sheet and record the information in the same format as on the form.) A page of transcript shall consist of 25 lines typed on 8 -1/2 x 11 inch paper, prepared for binding on the left side, with 1-3/4 inch margin on the left side and a 3/8 inch margin on the right side. Typing shall be 10 letters per inch. Provide the page numbers for each segment of the transcript.

Note: Claim reimbursement for only the following expenses: (1) Travel and subsistence of assistants who aid in preparation of daily or hourly transcript, if authorized in advance by the presiding judicial officer; and (2) Extraordinary delivery costs, such as courier services or express mail (regular postage is not reimbursable). Specify and attach receipts or other supporting documentation for expenses.

Item 21. CLAIMANT'S CERTIFICATION: Generally, the person providing the transcript services will sign this certification. However, if the transcript has been paid for, the attorney can request reimbursement for the cost on this form by signing the claimant's certification. In that event, the attorney also must be listed as the payee in Item 18, and the information required in Items 18 and 19 (SSN, payee's mailing address and telephone number) should relate to the attorney. If the 1099 should be sent to the attorney's Law Firm, indicate the TIN of the Law Firm or corporation and the Law Firm or corporate name in Item 19.

Items 22. CERTIFICATION OF ATTORNEY OR CLERK. The attorney's signature in

Item 22 verifies that the transcript was received. Clerks of court may verify receipt on behalf of persons proceeding *pro se*, and on behalf of all CJA parties in districts if the practice is authorized by local rule of the court.

Item 23. **APPROVED FOR PAYMENT:** After reviewing for reasonableness and compliance with the *CJA Guidelines*, the presiding judicial officer must sign and date the voucher

Item 24. **AMOUNT APPROVED.** The amount approved for payment.

**INSTRUCTIONS FOR CJA FORM 30
DEATH PENALTY PROCEEDINGS**

APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

1. The CJA Form 30 should be used for all death eligible cases, regardless of whether the death penalty is authorized, not-authorized, or de-authorized.

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is generated from the automated system, Items 1-11 and 13 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide dates for, a description of, and the purpose for any expenses incurred. For additional guidance, refer to the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's Office.

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in subsection (e) of the Criminal Justice Act (as amended), codified in part at 18 U.S.C. §3006A (CJA) and subsection (q)(9) and (10)(B) of the Anti Drug Abuse Act, 21 U.S.C. § 848. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding reimbursable out-of-pocket expenses, will exceed \$300. Failure to obtain prior authorization will result in the disallowance of any amount claimed unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on the CJA Form 31.

Vouchers shall be submitted no later than 45 days after the final disposition of the case, unless good cause is shown (paragraph 2.21A, *cja guidelines*). All payments made pursuant to this claim are subject to post-audit; contemporaneous time and attendance records, as well as expense records must be maintained for three years after approval of the final voucher (paragraph 2.32, *cja guidelines*). any overpayments are subject to collection,

including deduction of amounts due from future vouchers.

- Item 1.** **CIR./DIST./DIV. CODE:** This four-character location code is the circuit or district, and divisional office codes for the court where the proceedings whom the person represented are held.
- Item 2.** **PERSON REPRESENTED:** Give the full name of the person whom you were appointed to represent.
- Items 3-6.** **DOCKET NUMBERS:** Provide the case number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD), as shown in the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which representation is provided (i.e., for each docket number listed). Prorate the total time among the cases. On the supporting documentation, cross reference the voucher number of all related claims for which costs are prorated.
- Item 7.** **IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment (e.g., *U.S. vs. Lead Defendant's Name, et al*). If this is a habeas corpus proceeding, enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title.
- Item 8.** **TYPE PERSON REPRESENTED:** Check the box that defines the legal status of the person represented.
- Item 9.** **REPRESENTATION TYPE:** Check one of the following types of representations:

D1 Habeas corpus (capital) petition pursuant to 28 U.S.C. §

2254, seeking to vacate or set aside a state death sentence and

Appeals;

D2 Federal capital prosecution, either trial or direct appeal;

D3 Habeas corpus (capital) petition pursuant to 28 U.S.C. §

2255 seeking to vacate or set aside a federal death sentence

and appeals; or

D4 Death penalty prosecution in federal court under a state statute or any authority other than the United States Code, and appeals.

Item 10. **OFFENSE(S) CHARGED:** If the case is a capital prosecution in federal court, cite the U. S. Code, title and section, or other code citation of all charges up to five. List all death-eligible charges first. If the case is a direct appeal of a federal prosecution, list all offenses for which the defendant was convicted.

Item 11/13 **ATTORNEY'S NAME AND MAILING ADDRESS AND NAME AND MAILING ADDRESS OF LAW FIRM:** Complete Item 11 with the legal name and address of the attorney appointed to represent the person whose name is shown in Item 2. If prior to your appointment for representation, you had a pre-existing agreement with a law firm or corporation, including a professional corporation, indicating that CJA earnings belong to the law firm or corporation, rather than to the court-appointed attorney/payee, provide the Name and Mailing address of that law firm or corporation in Item 13. This information will allow earnings to be reported to the Internal Revenue (IRS) on a 1099 Statement as earnings of the law firm or corporation and not as the earnings of the attorney appointed. *(Note: Information about a pre-existing agreement, including the Taxpayer Identification Number (TIN) of the law firm or corporation, should be provided to the court staff when the attorney is admitted to the panel or at initial appointment to a case.)*

Item 12. **COURT ORDER:** Check the box that describes the type of counsel appointed. If appointed as a substitute counsel, give the name of the previous counsel and the appointment date. If appointed as a "Standby Counsel," attach the court order establishing this type of appointment in accordance with paragraph 2.17 of the *CJA Guidelines*. Specific

qualifications are required for all counsel appointed to provide representation in death penalty cases. See 21 U.S.C. § 848 (q)(5)- (7) and 18 U.S.C. § 3005. The remaining portion of the Item will be completed by the clerk of court or other court-designated person.

If the court approves interim payments because of the conditions stated in Box "D," the court should check this box. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. Check statement "E," if full or partial repayment was ordered by the court from the person represented at the time of the appointment. If services were provided prior to court appointment, the presiding judicial officer can ratify the previous service by indicating a "nunc pro tunc" date that covers the services prior to appointment. No other court order is necessary.

Item 14. **STAGE OF PROCEEDING:** Check the box that corresponds to the stage of proceeding for services claimed in Item 15 even if it is anticipated that the work will be used in connection with a later stage of the proceeding. **CHECK ONLY ONE BOX.** Submit a separate voucher for each stage of proceeding. **NOTE:** The stage noted as "Other" under "Other Proceeding" should be used only for a petition for presidential pardon or clemency, or other proceeding that cannot fit within the other described categories.

Item 15. **CLAIM FOR SERVICES--CATEGORIES FOR HOURS AND COMPENSATION:** On the applicable lines "a" through "j" enter the actual time spent in hours and tenths of hours. Total the number of hours in out-of-court categories "b" - "j" and enter the total in the "HOURS CLAIMED" column where required. Multiply the total hours for in-court and out-of-court time by the allowable compensation rate. Enter the amount claimed in the "TOTAL AMOUNT CLAIMED" column for category "a", and for categories "b" - "j." **NOTE:** Indicate "Other Dispositive Motions" only for work related to a motion to dismiss, motion for summary judgment, or similar motion to end the entire habeas corpus proceeding. If services included in-court hearings of one hour each on separate dates, enter two hours on the form and attach a sheet indicating one hour for each of the two dates.

Any mathematical or technical adjustments to your claim during the

judicial approval process or an additional review will be indicated in the columns provided on the form under the heading **"FOR COURT USE ONLY."**

Item 16. TRAVEL EXPENSES: Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The clerk of court can advise you on applicable rates and federal government travel regulations.

Item 17. OTHER EXPENSES: Itemize all reimbursable out-of-pocket expenses incidental to the representation. Provide dates and a brief description of the expense. Submit supporting documentation (a receipt, canceled check, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to a law student or law clerks for research and assistance, and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraph 2.31 and 3.15 of the *CJA Guidelines* for an explanation. Fees and expenses for expert attorney and other consultants in death penalty cases should be authorized and claimed on a CJA Form 31. The following are not reimbursable expenses, and should not be claimed:

1. General office overhead, such as rent, telephone services, and secretarial services.
2. Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.

4. Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17 and 28 U.S.C. § 1825. Contact the United States Marshal for payment procedures. See paragraph 3.13 of the *CJA Guidelines* for guidance on payment of witness fees generally.

5. Filing fees. These fees are waived for persons proceeding under the CJA.

6. The cost of allowable investigative, expert, or other services. (See Chapters III and VI of the *CJA Guidelines*) such services should be requested using a CJA Form 31.

7. Compensation taxes. Taxes paid on attorney compensation, whether based on income, sale, or gross receipts, are not reimbursable expenses.

Totals. Enter the "Grand Total" where required by adding the total amount claimed for "in-court," "categories b - j," "Travel Expenses," and "Other Expenses."

Item 18. CERTIFICATION OF ATTORNEY/PAYEE FOR PERIOD OF SERVICE: The person appointed by the court must certify dates of service for the representation. Indicate where required, the date range for the services claimed on the voucher.

Item 19. APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION: If the appointment is discontinued by order of the court (i.e., substituted counsel or reasons other than disposition of the defendant's case such as fugitive defendant, appointment of a public defender, or retention of counsel by defendant), give the effective date for termination of appointment.

Item 20. **CASE DISPOSITION:** Indicate case disposition for the person represented. Select applicable code from the table below.

CJA 30 DISPOSITION CODES

01	DISMISSED
02	ACQUITTED BY COURT
03	ACQUITTED BY JURY
04	CONVICTED/FINAL PLEA OF GUILTY
05	CONVICTED/FINAL PLEA OF NOLO CONTENDRE
08	CONVICTED/COURT TRIAL
09	CONVICTED/JURY TRIAL
CC	MISTRIAL
EE	NOT GUILTY/INSANE/COURT TRIAL
EF	GUILTY/INSANE/COURT TRIAL
GG	NOT GUILTY/INSANE/JURY TRIAL
HH	GUILTY/INSANE/JURY TRIAL
XX	OTHER (PTD AND OTHER REPS.)

Item 21. **CLAIM STATUS:** Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the payment number. Complete the remaining portion of Item 21, and sign and date the affirmation statement before submitting the claim for court approval.

Items 22-27a. **APPROVED FOR PAYMENT--COURT USE ONLY:** The presiding judicial officer will indicate the amount approved for each major category. These amounts will reflect mathematical or technical adjustments to your claim. The total amount approved for payment of the claim, less any amounts withheld for interim payment, is reflected in the "**TOTAL AMOUNT APPROVED.**" The "**SIGNATURE OF THE PRESIDING JUDICIAL OFFICER**" is required to effect

payment of the claim. The **JUDGE CODE** will be provided by the court staff.

INSTRUCTIONS FOR CJA 31
DEATH PENALTY PROCEEDINGS: *EX PARTE* REQUEST FOR
AUTHORIZATION AND VOUCHER FOR EXPERT AND OTHER SERVICES

1. The CJA Form 31 should be used to obtain investigative, expert and other services in all death eligible cases through disposition of the case, regardless whether the death penalty is authorized, not-authorized, or de-authorized.

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. Use a typewriter if possible to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is generated by the automated system, Items 1 through 10 and 13 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for the service requested. Provide the dates for and a description of expenses incurred. For additional guidance, refer to the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's office.

All payments made pursuant to this claim are subject to post-audit; overpayments are subject to collection, including deduction of amounts due from future vouchers.

Refer to 21 u.s.c. 848(q)(9) and the *cja guidelines* concerning the conditions for making *ex parte* requests.

Note: Prior authorization from the presiding judicial officer must be secured for all investigative, expert or other services where the cost (excluding reimbursement for reasonable expenses) will exceed \$300. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$300, unless the presiding judicial officer finds that, in the interest of justice, timely procurement of necessary services could not await prior authorization.

If prior authorization is obtained for an investigative, expert or other service and later it is determine that the cost of the service will exceed the initial estimate by a significant amount, you should seek, from the presiding judicial officer, further prior authorization for the additional amount.

for cases commenced, and appellate proceedings for which an appeal is perfected, on or after April 24, 1996, the presiding judicial officer's approval of payment in Item 28 may require additional approval by the chief judge of the court of appeals (or active circuit judge to whom the chief judge has delegated excess compensation approval authority) consistent with the \$7,500 statutory amount set forth in 21 U.S.C. § 848(q)(10)(B). Pursuant to that provision, if the aggregate amount of compensation and expenses for all investigative, expert, and other services exceeds \$7,500 in any case, payment in excess of that amount must be certified by the presiding judicial officer as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment must be approved by the chief judge of the court of appeals

(or delegate).

- Item 1.** **CIR./DIST./DIV. CODE:** This four-character location code is the circuit or district, and divisional office codes for the court where the proceedings for the person represented are held.
- Item 2.** **PERSON REPRESENTED:** Give the full name of the person whom you were appointed to represent.
- Items 3-6.** **DOCKET NUMBERS:** Provide the case number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD), as shown in the indictment or charging document. Thus, the format of the docket numbers is YY-NNNNNN-DDD. If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which services are provided (i.e., for each docket number listed). Prorate the total time among the cases. On the supporting documentation, cross reference all related claims for which costs are prorated.
- Item 7.** **IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite on the indictment (e.g., *U.S. vs. Lead Defendant's Name, et al*). If this is a habeas corpus proceeding, enter the *Name of the Petitioner vs. the Name of the Respondent* and include the respondent's title.
- Item 8.** **TYPE PERSON REPRESENTED:** Check the box that defines the legal status of the person represented.
- Item 9.** **REPRESENTATION TYPE:** Use the CJA Form 31 only if this is a death penalty representation. Check one of the following types of representation:
- D1 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2254, seeking to vacate or set aside a state death sentence and appeals;
 - D2 Federal capital prosecution, either trial or direct appeal;
 - D3 Habeas corpus (capital) petition pursuant to 28 U.S.C. § 2255, seeking to vacate

or set aside a federal death sentence and appeals; or
D4 Death penalty prosecution in federal court under a state statute or any
authority other than the United States Code and appeals.

Item 10. **OFFENSE(S) CHARGED:** If the case is a capital prosecution in federal court, cite the U.S. Code (title and section) or other code citation of all charges, up to five. List all death-eligible offenses first. If this is a direct appeal of a federal prosecution, list all offenses for which the defendant was convicted.

Item 11. **ATTORNEY'S STATEMENT, NAME AND MAILING ADDRESS:**
Check the appropriate box to indicate whether the request is for authorization to obtain services, or approval of services already provided. Include, for the services described in Item 12, the total estimated dollar amount for compensation and expenses. Estimate the cost of the services (including expenses) requested, and show the amount where required on the form. Note the basis for compensation (e.g., number of hours of work at hourly rate, number of days at daily rate, or a fixed dollar fee). This statement must be signed and dated by counsel for the person represented (or by the person proceeding *pro se*). Check the appropriate box to designate the attorney status as an attorney from a legal organization (bar association, legal aid agency, or community defender organization not receiving a periodic sustaining grant under the Criminal Justice Act (CJA), a CJA panel attorney, a retained attorney whose client is unable to afford the cost of the service requested, or a person who qualifies for representation under the CJA but has chosen to proceed *pro se*.

Give the complete legal name, mailing address, and telephone number of the attorney appointed to represent the person whose name is shown in Item 2. Provide the mailing address and telephone number of the attorney.

For cases commenced, and appellate proceedings for which an appeal is perfected, on or after April 24, 1996, all totals for compensation and expenses authorized for investigative, expert, and other services will be included as a part of the statutory threshold. (Payments to counsel for representation is not a part of the statutory threshold.) The court may use this information to help determine whether advance approval should be obtained from the chief judge of the court of appeals (or delegate) in anticipation that the \$7,500 amount for compensation and expenses for investigative, expert, and other services will be exceeded. If the estimated amount has been authorized already, in whole or in part, through a case budgeting process by

the court (and by the chief judge of the court of appeals (or delegate) if applicable), attach the appropriate documentation to the first payment voucher submitted.

Item 12.

Procedures for Requesting Psychiatric and Psychological Services.

If this is a request for an examination by a psychiatrist or psychologist, state whether the purpose of the examination is to determine (1) the current mental state of the person represented, or (2) the mental state at the time of the person's alleged offense. Counsel may request authorization to obtain necessary psychiatric and related services when the purpose of an examination is to assist the defense and counsel wishes to control disclosure of the examination report (i.e., keep it confidential from the court and the prosecution) as well as to select the expert conducting the examination. If the examination is ordered pursuant to a statute, cite the statute (U.S. Code, title and section). See paragraph 3.11 of the *CJA Guidelines* and accompanying chart, "Responsibility for Payment of Psychiatric and Related Expert Services."

In habeas corpus proceedings, payment of fees and expenses of psychiatric examinations for purposes other than representation of the petitioner is not paid from Defender Services funds, but is determined by the rules governing section 2254 cases in the united states district courts and rules governing 2255 cases in the united states courts. In order to avoid confusion and possible delays in payment, the order authorizing the services to be obtained should specify the statutory authority and the agency responsible for payment.

DESCRIPTION OF AND JUSTIFICATION FOR SERVICES:

Briefly, describe the nature of the services requested and the reason services are necessary to provide adequate representation.

Item 13.

TYPE OF SERVICE PROVIDER: Check the box that identifies the type of service provider requested. If you check the box "Other," be sure to specify the type of service or service provider. If computer assisted legal research (CALR) is checked, refer to paragraph 3.15 of the *CJA Guidelines* for an explanation of the criteria and procedures for approval of CALR as a necessary service under CJA.

- Item 14.** **COURT ORDER:** This court order must be signed and dated by the presiding judicial officer. An additional court order is not necessary except for certain psychiatric and psychological examinations as explained in the instructions for Item 12, or to authorize payment for services exceeding \$300 when prior authorization was not obtained (see Item 23). Indicate whether full or partial repayment was ordered by the court from the person represented by checking "Yes" or "No."
- Item 15.** **STAGE OF PROCEEDING:** Check the box that corresponds to the stage of proceeding for services claimed in Item 16 even if it is anticipated that the work will be used in connection with a later stage of the proceeding. **CHECK ONLY ONE BOX.** Submit a separate voucher for each stage of proceeding. The stage noted as "Other" under "Other Proceeding" should be used only for a petition for presidential pardon or clemency, or other proceeding that does not relate to the other described categories.
- Item 16.** **CLAIM FOR SERVICES AND EXPENSES:**
- COMPENSATION (Item 16a):** Enter the total amount claimed for professional services rendered. On an attachment to the voucher, describe in detail the services provided, including dates of service and the amount of time spent (in hours and tenths of hours). State the basis for the fee claimed (e.g., hourly rate, daily rate, fixed fee).
- TRAVEL EXPENSES (Item 16b):** Travel related expenses that are incidental to providing services (e.g., transportation, lodging, meals, car rental, parking, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for travel expenses. Travel expenses by privately owned automobile, motorcycle or aircraft, should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Service providers are limited to the travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations.
- OTHER EXPENSES (Item 16c):** Itemize all reimbursable out-of-pocket expenses incurred incidental to services provided. Enter the total claimed

where required on the form. Submit supporting documentation (receipts, canceled checks, paid invoices, etc.) for all single item expenses in excess of \$50. Do not include general office overhead (e.g., rent, telephone services, secretarial services) as reimbursable expenses. Fees and expenses for consultants in death penalty cases should be claimed on this form.

The columns under **"FOR COURT USE ONLY"** will reflect any mathematical and technical adjustments to the claim during the judicial approval process or changes during a required additional review of the chief judge of the court of appeals (or delegate).

Item 17.

PAYEE'S NAME AND MAILING ADDRESS, CLAIMANT'S CERTIFICATION OF SERVICE PERIOD AND CLAIM STATUS:

Provide the complete name and address of the payee (claimant). The claimant must certify the dates covered by indicating the date range for services rendered. Check the box to indicate whether this is (1) a final payment for services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment). If this is an interim payment, indicate the interim payment number. The claimant or payee must sign and date the payment certification statement prior to submitting the claim to the attorney for certification that the services were rendered and received. Provide the Taxpayer Identification Number (TIN) to report these earnings to the Internal Revenue Service (IRS).

Item 18.

CERTIFICATION OF ATTORNEY: This section must be completed by the attorney appointed to provide representation, a retained attorney whose client is unable to afford cost of the services requested, or by a person proceeding *pro se* under the CJA.

Items 19-22.

APPROVED FOR PAYMENT -- COURT'S USE ONLY: The presiding judicial officer must review for reasonableness and compliance with the *CJA Guidelines* every claim for compensation and any reimbursement for expenses incurred. After review, the judicial officer will indicate the amount approved for payment in each of the payment categories. These amounts will reflect any mathematical and technical adjustments made to the claim.

The **"TOTAL AMOUNT APPROVED/CERTIFIED"** (Item 22) is the amount approved for payment of the claim, less any amounts withheld in accordance with an interim payment order. If the amount exceeds the

statutory threshold, including expenses, the presiding judicial officer certifies the excess compensation for payment approval of the chief judge of the court of appeals (or delegate), by circling the word "certified" and indicating the amount approved in Item 22).

Item 23. **SIGNATURE OF THE PRESIDING JUDICIAL OFFICER:** The presiding judicial officer must check the appropriate box to indicate (1) either the cost, excluding expenses, does not exceed \$300, or prior authorization was obtained; or (2) in the interest of justice, the court finds that timely procurement of the services could not await prior authorization, even though the cost, excluding expenses, exceeds \$300. The presiding judicial officer will sign and date Item 23, indicating approval/certification of the amount in Item 22. The court will provide the **JUDGE CODE**.

Items 24-27. **PAYMENT APPROVED IN EXCESS OF THE STATUTORY THRESHOLD:** The chief judge of the court of appeals (or delegate) will indicate the amount approved for payment in each of the payment categories (Items 24 -26). This amount will reflect any adjustments of your claim resulting from the additional review of claims by the chief judge (or delegate) for amounts that exceed the statutory threshold for the payment category of the case. The chief judge (or delegate) will sign and date Item 28 for the total amount approved and entered in Item 27. The **JUDGE CODE** of the chief judge (or delegate) approving the excess compensation will be provided by the court staff.

Item 28. **FOR CASES COMMENCED, AND APPELLATE PROCEEDINGS FOR WHICH AN APPEAL IS PERFECTED, ON OR AFTER APRIL 24, 1996.** The presiding judicial officer should sign and date Item 28, indicating, in paragraph A of Item 28, the total amount paid for compensation and expenses for investigative, expert and other service providers on behalf of the person represented in this case, and that payment in excess of the statutory threshold is approved.

Complete Item 28 only for cases commenced, and appellate proceedings for which an appeal is perfected, on or after April 24, 1996. If the amount approved for compensation and expenses for investigative, expert, and other services on behalf of the person represented in a case is less than or equal to \$7,500, the claim will be forwarded to the clerk of court for processing for payment. Upon preliminary approval of a claim in excess of \$7,500

(including other claims for investigative, expert, and other services on behalf of the person represented), the presiding judicial officer will (1) signify approval of the excess amount under 21 U.S.C. § 848(q)(10)(B) by circling "Certification" in Item 22. If the chief judge (or delegate) approves the excess amount, the judge will enter the amount approved for payment in Item 27, sign and date Item 28. If approval is not granted, the claim will be returned to the presiding judicial officer for appropriate action.